



MICHIGAN PROBATE JUDGES ASSOCIATION

324 N. Pine St. #1
Lansing, Michigan 48933
Message Relay No. (517) 482-7534

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Corbin R. Davis, Michigan Supreme Court Clerk
PO Box 30052
Lansing, MI 48909

July 13, 2005

RE: Proposed Administrative Order 2004-42

Dear Mr. Davis,

I am writing on behalf of the Michigan Probate Judges Association to express our strong opposition to proposed Administrative Order 2004-42. While the association supports the goal of prompt case processing, the approach reflected in proposed AO 2004-42 is not helpful. Mandatory referral by SCAO for consistent failure to meet standards creates an adversarial relationship that could actually discourage judges from seeking SCAO assistance to resolve case processing impediments.

No exceptions are provided to AO 2004-42 mandated referral to Judicial Tenure. There may be any number of reasons for case processing delays such as chronic illness, case volume or lack of adequate judicial or staff resources. While consistent delay for any reason may be an appropriate basis for SCAO management assistance, it should not be automatic grounds for referral to Judicial Tenure. No judge should be subject to defend a tenure action for failing to consistently comply with arbitrary standards due to circumstances over which the judge has no control.

Conversion of AO 2003-07 guidelines to standards assumes current guidelines are appropriate standards. No factual basis for that assumption has been provided for public scrutiny. AO 2003-07 requires SCAO to gather and assess data on guideline compliance and the effectiveness of case management plans. Before guidelines become standards, guidelines should first be subject to rigorous study to determine whether they are realistic and achievable across all courts.

MPJA urges the Michigan Supreme Court to reject proposed Administrative Order 2004-42.

Sincerely,

Kathryn J. Root

